

Application No. 09/912,990  
Attorney Docket No. 11521US02

**REMARKS**

The present application includes claims 33-48. Claim 34 was objected to by the Examiner, but found to be allowable if rewritten. Claims 33-48 were rejected. By this Amendment, claims 33, 38, and 43-48 have been canceled and claims 34-37 and 39-42 have been amended.

Claims 33-48 were rejected under 35 U.S.C. §112, paragraph two.

Claims 43-48 were rejected under 35 U.S.C. §102(e) as being anticipated by Molnar, U.S. Patent No. 5,995,568.

Claims 33, 35-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Molnar, U.S. Patent No. 5,995,568, in view of Rinne, U.S. Patent No. 5,987,063.

Turning now to claim 34, the Examiner objected to claim 34, but found claim 34 to be allowable if rewritten to include the limitations of claim 33. Consequently, claim 34 has been rewritten to include the limitations of claim 33.

Additionally, claim 34 has been amended to include limitations beyond those that were expressed in the previous claim 33. Specifically, claim 34 now includes the limitation of "a plurality" of remote units instead of "at least one" remote unit as well as clarifying that that "the phase" of the transmitted and received data symbols is being aligned.

Application No. 09/912,990  
Attorney Docket No. 11521US02

Consequently, claim 34 as amended is respectfully submitted be allowable and to overcome the previous rejection under 35 U.S.C. §112, paragraph two, that applied to the previous claim 33.

Additionally, claim 39 includes similar limitations to claim 34. Consequently, claim 39 has been rewritten in independent form including the limitations of independent claim 38. Amended claim 39 has also been amended to include the "plurality" and "phase" limitations mentioned above with regard to claim 34. Consequently, amended claim 39 is respectfully submitted to be highly similar to claim 34 and to also be allowable. Claim 38 has been canceled.

With regard to the Examiner's rejection of claims 33-48 under 35 U.S.C. §112, paragraph two, claims 33-48 include independent claims 33, 38 and 42. Claims 33 and 38 have been amended to overcome this rejection as mentioned above. Claims 43-48 have been canceled.

Claims 43-48 were rejected under 35 U.S.C. §102(e) as being anticipated by Molnar, U.S. Patent No. 5,995,568. Claims 43-48 have been canceled. Consequently, this rejection is now respectfully submitted to be moot.

Application No. 09/912,990  
Attorney Docket No. 11521US02

Claims 33, 35-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Molnar, U.S. Patent No. 5,995,568, in view of Rinne, U.S. Patent No. 5,987,063. However, the Examiner found claim 34 to be allowable over Molnar and Rinne. As mentioned above, claim 34 has now been amended to include the limitations of independent claim 33. Also, dependent claims 35-37 have been amended to depend from claim 34 rather than claim 33. Consequently, claim 34, and its dependent claims 35-37, are respectfully submitted to be allowable.

Similarly, claim 39 has been amended to include the limitations of independent claim 38 and now recited similar limitations to claim 34 (which the Examiner found to be allowable over Molnar and Rinne.) Further, dependent claims 40-42 have been amended to depend from claim 39. Consequently, claim 39, and its dependent claims 40-42, are also respectfully submitted to be allowable.

Application No. 09/912,990  
Attorney Docket No. 11521US02

**CONCLUSION**

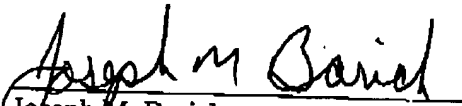
If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date:

February 16, 2005

  
Joseph M. Barich

Registration No. 42,291

MCANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street, 34th Floor  
Chicago, IL 60661

Telephone: (312) 775-8000  
Facsimile: (312) 775-8100